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8 CECIL SHAW,  
9 Plaintiff,  
10 v.  
11 BLOSSOM HILL INVESTMENT CO., a  
12 California limited partnership; MEIZHEN  
13 WANG dba TEA GARDEN CHINESE  
14 KITCHEN; WALGREEN CO., an Illinois  
15 corporation, dba WALGREENS #2786;  
16 Defendants.

17 Case No. 5:15-cv-00144-HRL  
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**ORDER CONDITIONALLY  
GRANTING MOTION TO WITHDRAW  
AS COUNSEL OF RECORD; DENYING  
AS MOOT REQUEST FOR ORDER  
SHORTENING TIME**

20 Now before the court is attorney Cris C. Vaughan's motion for permission to withdraw as  
21 counsel of record for defendant Meizhen Wang dba Tea Garden Chinese Kitchen. Vaughan avers  
22 that the motion papers were served on Mr. Wang by mail at his last known address. (Dkt. 30,  
23 Vaughan Decl. ¶ 13). The court has received no opposition to the motion, and the time for  
24 submitting any opposition or response has passed. Civ. L.R. 7-3(a). The matter is deemed  
25 suitable for determination without oral argument, and the December 22, 2015 hearing is vacated.<sup>1</sup>  
26 Civ. L.R. 7-1(b). Having considered the moving papers, the court conditionally grants the motion  
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28 <sup>1</sup> The parties' joint request for an order shortening time is denied as moot.

United States District Court  
Northern District of California

1 as follows:

2 “Counsel may not withdraw from an action until relieved by order of Court after written  
3 notice has been given reasonably in advance to the client and to all other parties who have  
4 appeared in the case.” Civ. L.R. 11-5(a). “In the Northern District of California, the conduct of  
5 counsel is governed by the standards of professional conduct required of members of the State Bar  
6 of California, including the Rules of Professional Conduct of the State Bar of California.” Hill  
7 Design Group v. Wang, No. C04-521 JF (RS), 2006 WL 3591206 at \*4 (N.D. Cal., Dec. 11, 2006)  
8 (citing Elan Transdermal Limited v. Cygnus Therapeutic Systems, 809 F. Supp. 1383, 1387 (N.D.  
9 Cal.1992)). Those standards provide that an attorney may seek permission to withdraw if, among  
10 other things, the client’s conduct renders it unreasonably difficult for the attorney to represent the  
11 client effectively or if the client breaches an agreement or obligation with respect to the payment  
12 of fees. Id. (citing Cal. Rules of Professional Conduct Rule 3-700(C)(1)(d),(f)).

13 Vaughan attests that, despite his repeated efforts to communicate with Wang, Wang has  
14 stopped communicating directly with him and has taken a position contrary to Vaughan’s  
15 recommendations and advice. (Dkt. 30, Vaughan Decl. ¶ 3). Accordingly, the court grants the  
16 motion to withdraw, subject to the condition that papers may continue to be served on Vaughan,  
17 solely for forwarding purposes, unless and until Wang appears by other counsel or pro se. Civ.  
18 L.R. 11-5(b).

19 SO ORDERED.

20 Dated: December 8, 2015

21   
22 HOWARD R. LLOYD  
23 United States Magistrate Judge  
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United States District Court  
Northern District of California

1 5:15-cv-00144-HRL Notice has been electronically mailed to:  
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